ORDINANCE NO. 2015-08

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 38.7%, WHERE A MAXIMUM OF 30% IS ALLOWED, TO ALLOW EXISTING WESTSIDE SETBACK OF 5.30 FEET, WHERE 7.5 FEET ARE REQUIRED FOR FIRST UNIT, TO ALLOW EXISTING WESTSIDE SETBACK OF 7.2 FEET, WHERE 7.5 FEET ARE REQUIRED FOR SECOND UNIT, TO ALLOW EXISTING REAR SETBACK OF 7.2 FEET, WHERE 25 FEET ARE REQUIRED FOR SECOND UNIT, AND TO ALLOW A SECOND RESIDENTIAL UNIT WITH A FLOOR AREA OF 595 SQUARE FEET, WHERE A MINIMUM OF 1,500 SQUARE FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2), 98-546, 98-547(A) AND 98-548. **PROPERTY LOCATED AT 333 EAST 13 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 28, 2015 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a lot coverage of 38.7%, where a maximum of 30% is allowed, to allow existing Westside setback of 5.30 feet, where 7.5 feet are required for first unit, to allow existing Westside setback of 7.2 feet, where 7.5 feet are required for second unit, to allow existing rear setback of 7.2 feet, where 25 feet are required for second unit, and to allow a second residential unit with a floor area of 595 square feet, where a minimum of 1,500 square feet are required, contra to Hialeah Code §§ 98-2056(b)(2), 98-546, 98-547(a) and 98-548, which provide in pertinent part: "A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.", "In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no

case shall each such side yard be less than 7½ feet in width...", "In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet. Utility sheds shall not be considered accessory buildings, and accordingly the provisions of section 98-1670 shall apply." and "In the R-2 one- and two-family residential district, the total minimum floor area of two-family residences shall be 1,500 square feet, with the minimum ground floor area of two-family residences to be 1,000 square feet, and the total living area of one unit to be not greater than 60 percent of the total living area of the two-family residence. The minimum ground floor area for a one-family residence shall be 1,000 square feet. All of the minimum floor areas shall be exclusive of porte cocheres, attached garages, and porches.", respectively. Property located at 333 East 13 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOT 20, BLOCK 91, AMENDED PLAT OF FIRST ADDITION TO TOWN OF HI-A-LE-AH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 122, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties. Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall

constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24 day of February, 2015.

Isis Garcia Martinez
Council President

Attest:

Approved on this 04 day of March, 2015.

Carmen B. Hernandez
Acting Deputy City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

S: DDP LEGISLATURE ORDINANCES 2015 333East13Street-locoverage-westsetback-rearsetback-floorarea-PZJAN28.doc